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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,158	04/23/2001	Hirokazu Kawamoto	03560.002785.	1598

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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
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RUDOLPH, VINCENT M

ART UNIT	PAPER NUMBER
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2625

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02/18/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/839,158	<b>Applicant(s)</b> KAWAMOTO ET AL.	
	<b>Examiner</b> Vincent Rudolph	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 43,45,49,51,73,74,77,78,81,82 and 84-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43,45,49,51,73,74,77,78,81,82 and 84-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 43, 45, 49, 51, 73, 77, 81-82 and 84-86 are rejected under 35 U.S.C. 102(e) as being anticipated by Al-Kazily ('589).

Regarding claim 43, Al-Kazily ('589) discloses an information processing apparatus (client computer, **See Figure 1, Element 102, 104**) capable of communicating with a printing apparatus (capable of communicating with a printer, **See Figure 1, Element 106**, through the print server, **See Figure 1, Element 110**) for executing a printing operation (processing a print job with selected attributes for it, **See Col. 4, Line 46-48**), such that the information processing apparatus includes a setting means (embodied within the client computer) for setting via a GUI in the information processing apparatus (job processing attributes for the document, **See Figure 2, Element 222**), a first mode with a single print-out format for single print data (a single print-out format selection for the print data, **See Col. 2, Line 9-13**), or a second mode with a plurality of different print-out formats for single print data (multiple print-out formats, such as color, duplex and n-up printing on a single media page, **See Col. 9,**

**Line 46-49**), producing means (embodied within the client computer) for producing a print job to be printed by the printing apparatus in accordance with the mode set, such that the print job includes a command part describing a group of job commands and a print data part describing print data by a print language (the data includes the necessary commands as well as the print data part converted into a PDL format, **See Col. 9, Line 7-11**), and a sending means (embodied within the client computer) for sending the print job produced to the printing apparatus (transmits the print job to the print server, **See Col. 9, Line 12**, which then processes the job in order to transmit it to the printer, **See Col. 10, Line 20-23**), wherein, in the second mode, the group of job commands includes a print control command for enabling the printing apparatus to execute a printing operation of the multiple different print-out formats from the single print data described in the print data part (an add-on module is used to enable the selected printer to execute the selected format, such as n-up, with the other formats in order to have the document processed accordingly, **See Col. 9, Line 49-51**), and wherein, in the printing apparatus, the printing operation for the print-out format is executed from the single print data for a print job produced according to the first mode, and the printing operation for the plurality of different print-out formats is executed from the single print data for a print job produced according to the second mode (the printer completes the desired function or functions the user requested, **See Col. 1, Line 44-47**).

Regarding claim 45, Al-Kazily ('589) discloses that the plurality of different print-out formats includes one format, such that one page is printed out on one sheet (such as duplex printing), and another format in which a plurality of pages are printed on one

sheet (n-up printing, which allows a user to output multiple pages onto one page on one sheet, **See Col. 1, Line 54**).

Regarding claim 73, Al-Kazily ('589) discloses an information processing apparatus (client computer, **See Figure 1, Element 102, 104**) capable of producing a print job (capable of communicating with a print server, **See Figure 1, Element 110**, for processing a print job with selected attributes for it, **See Col. 4, Line 46-48**), such that print job includes a command part and a print data part (the data includes the necessary commands as well as the print data part converted into a PDL format, **See Col. 9, Line 7-11**), the information processing apparatus includes a user interface means (embodied within the client computer) for setting a first print setting and a second print setting from the information processing apparatus so that the printing apparatus can output the print data part included in one print job in a first output format and in a second output format, respectively (setting the processing attribute to have the data in a single job outputted in an n-up format with a duplex setting, **See Col. 9, Line 46-49**), setting means (embodied within the client computer) for setting a first print control command to specify the first output format based on the first print setting and a second print control command to specify the second output format based on the second print setting to the command part included in the print job so that the printing apparatus can output the print data part included in the print job in the first output format and in the second output format, respectively (the necessary printer commands, such as formatting instructions, are included in the print job, as set by the user, **See Col. 9, Line 7-16**, based on the job processing attributes, **See Col. 9, Line 46-49**), producing means (embodied within the

client computer) for producing the print job including the command part and the print data part, such that the command part includes the first and second print control commands set (the command part and the print data part are included within the print job, **See Col. 9, Line 7-11**, such that it includes the first and second attributes, **See Col. 9, Line 46-49**), and sending means (embodied within the client computer) for sending the print job produced to the printing apparatus (transmits the print job to the print server, **See Col. 9, Line 12**, which then processes the job in order to transmit it to the printer, **See Col. 10, Line 20-23**), wherein, in the printing apparatus, a printing operation of the first output format based on the first print setting and a printing operation of the second output format based on the second print setting are executed by using the print data part of the same print job (the printer completes the desired function or functions the user requested, **See Col. 1, Line 44-47**).

Regarding claim 84, Al-Kazily ('589) discloses a printing system (**See Figure 1**) that includes an information processing apparatus (client computer, **See Figure 1, Element 102, 104**) and a printing apparatus (printer, **See Figure 1, Element 106**), such that the information processing apparatus and the printing apparatus are connected through a communication medium (over a network, **See Figure 1, Element 108**), wherein the information processing apparatus includes a user interface means (embodied within the client computer) for setting a first print setting and a second print setting that a print data part included in one print job is output in each of a first output format and a second output format (setting the processing attribute to have the data in a single job outputted in an n-up format with a duplex setting, **See Col. 9, Line 46-49**),

setting means (embodied within the client computer) for setting a print control command to specify the first output format based on the first print setting and a print control command to specify the second output format based on the second print setting to a command part included in the one print job in order to output the print data part included in the one print job in each of the first output format and in the second output format (the necessary printer commands, such as formatting instructions, are included in the print job, as set by the user, **See Col. 9, Line 7-16**, based on the job processing attributes, **See Col. 9, Line 46-49**), producing means (embodied within the client computer) for producing the one print job including the command part and the print data part, such that the command part includes the print control command set (the command part is included within the print job, **See Col. 9, Line 7-11**, such that it includes the first and second attributes, **See Col. 9, Line 46-49**), and sending means (embodied within the client computer) for sending the one print job produced to the printing apparatus (transmits the print job to the print server, **See Col. 9, Line 12**, which then processes the job in order to transmit it to the printer, **See Col. 10, Line 20-23**), and wherein the printing apparatus includes a receiving means (embodied within the printer) for receiving the one print job including the command part and the print data part from the information processing apparatus (receives the data transmitted from the client computer via the print server, **See Col. 10, Line 22-23**), interpreting means (embodied within the printer) for interpreting the command part included in the one print job (interprets the job processing attributes for the one print job specified, **See Col. 4, Line 46-48**), producing means (embodied within the printer) for producing the print image

data from the print data part included in the one print job according to the interpretation of the command data (construct the data to create the page image, **See Col. 4, Line 40-42**), and a printout performing means (embodied within the printer) for performing a printout on a printing medium based on the print image data produced (provide the final printed output, **See Col. 6, Line 43-44**), such that the producing means produces the print image data of the first output format from the print data part by the interpretation for the first print setting included in the command part, and produces the print image data of the second output format from the print data part by the interpretation for the second print setting included in the command part (the printer completes the desired function or functions the user requested, **See Col. 1, Line 44-47**).

Regarding claims 49, 51, 77 and 85, the rationale provided in the rejection of claims 43, 45, 73 and 84 is incorporated herein. In addition, the apparatus of claims 43, 45 and 73 and the printing system of claim 84 corresponds to the method of claims 49, 51, 77 and 85 and performs the steps disclosed herein.

Regarding claim 81, Al-Kazily ('589) discloses a computer readable medium storing a control program for implementing the method (**See Col. 7, Line 53-55**).

Regarding claims 82 and 86, the rationale provided in the rejection of claim 81 is incorporated herein. In addition, the method of claim 81 corresponds to the method of claims 82 and 86 and performs the steps disclosed herein.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 74 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Al-Kazily ('589) in view of Livingston ('632).

Regarding claim 74, Al-Kazily ('589) does not disclose that the first output format and the second output format are different N-up layout printings.

Livingston ('632) discloses that the first output format and second output format are different N-up layout printings (different N-up layout for the preset class, **See Col. 8, Line 21-54**).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to include different N-up layout printings multiple output formats, such as the one disclosed within Livingston ('632), and incorporate it into the apparatus of Al-Kazily ('589) because it allows the user to select any specific pages that are to be outputted as a single page and combine several others to have them outputted onto a single page rather than having to select from one option or the other.

### ***Response to Arguments***

Applicant's arguments, filed 12/10/2008, with respect to the rejections of claims 43, 45, 49, 51, 73-74, 77-78, 81-82 and 84-86 under Livingston in view of Hicks have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Al-Kazily. As a result, the prior art of Al-Kazily does meet the limitations of the claims as disclosed within the rejection above.

Based on these facts as well as incorporating a new reference into the rejection without the applicant amending all of the independent claims, **THIS ACTION IS MADE NON-FINAL.**

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent Rudolph whose telephone number is (571) 272-8243. The examiner can normally be reached on Monday through Friday 8 A.M. - 4:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vincent Rudolph  
Examiner  
Art Unit 2625

/Vincent Rudolph/  
Examiner of Art Unit 2625

/David K Moore/  
Supervisory Patent Examiner, Art Unit 2625